

PEOPLE UNITED *for* PRIVACY

March 6, 2019

The Honorable Kevin McCarthy
Minority Leader
U.S. House of Representatives

The Honorable Steve Scalise
Minority Whip
U.S. House of Representatives

Dear Minority Leader McCarthy and Minority Whip Scalise:

As a national organization that provides information and resources to the public so that every American retains the right to support causes they believe in without fear of harassment and intimidation, I am writing to you today to share my concerns about H.R. 1, the so-called “For the People Act.” Instead of encouraging vigorous discourse, the foundation of a free society, H.R. 1 will squelch speech in the public square through complicated bureaucracy and legal threats. Issue-based and advocacy nonprofits will be subjected to a whole barrage of new regulations that will do little to promote democracy, root out corruption, or counter foreign influence in elections.

The bill’s patchwork of policies is unconstitutional and anti-American. The end product is a confusing labyrinth of legislation that will require even the smallest grassroots advocacy group to have an expensive lawyer on speed dial.

For example, the DISCLOSE Act portion of H.R. 1 will violate individual privacy, facilitate harassment and decrease civic engagement. Recently Nadine Strossen, former President of the American Civil Liberties Union, publicly commented on the H.R. 1 DISCLOSE Act provisions: *“The DISCLOSE Act (Title IV, Subtitle B) section of H.R. 1 would force nonprofit groups to publicly identify certain donors and members. This would deter individuals from exercising their First Amendment rights, thus not only undermining their freedom and democratic participation, but also undermining the vibrancy and diversity of civic groups and public discourse.”*

The bill also empowers the Internal Revenue Service to act as speech police. In 2013, it was revealed that the IRS systemically targeted and harassed right-of-center groups applying for tax-exempt status with lengthy, intrusive, and improper questions, including about the groups’ donor information. Once the IRS admitted its wrongdoing, it doubled down by introducing rulemaking that would have codified much of this targeting. Congress responded by prohibiting the IRS from issuing a rule that would allow the agency to engage in such conduct. H.R. 1 would do away with this important safeguard and give the IRS the ability to resume targeted harassment of organizations.

Nonprofit organizations are forces for good and have long played a role in educating Americans and policymakers about complex issues. Nonprofits are also a shield for people who are uncomfortable speaking publicly about an issue on their own – and that’s not a bad thing. Some donors may like having

their name listed publicly as a supporter to a cause. But many Americans do not like or want that attention, or they may wish to avoid additional solicitations. Today's highly-charged political climate also gives Americans many reasons to keep their beliefs and giving private. Nonprofit organizations play an important role in protecting those voices.

Democracy functions best when people engage with ideas rather than reject them out of hand based on the identities of their supporters. What we think about causes and charities should similarly be based on the ideas they stand for and not because of who donates to those groups.

No one deserves to have their private information exposed and to be threatened with harassment or violence because of their opinions. H.R. 1 is dangerous and will erode the very rights that protect and strengthen our democracy - freedom of speech and freedom for Americans to support causes they believe in.

Sincerely,

A handwritten signature in black ink that reads "Heather Lauer". The signature is fluid and cursive, with the first name "Heather" and last name "Lauer" clearly distinguishable.

Heather Lauer
Policy Director, People United for Privacy